

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT PORTIS,

Petitioner,

No. 09-13478

Hon. John Corbett O'Meara

vs.

PERCY CONNERLY,

Respondent.

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**OPINION & ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS AS**

**MOOT**

Petitioner, Robert Portis, filed a pro se petition for a writ of habeas corpus on September 2, 2009, pursuant to 28 U.S.C. § 2254, arguing that he was incarcerated in violation of his constitutional rights. In his pro se petition, Petitioner challenged his Wayne Circuit Court conviction for armed robbery. The Michigan Department of Corrections' Offender Tracking Information System (OTIS), which this Court is permitted to take judicial notice of, *See Ward v. Wolfenbarger*, 323 F. Supp. 2d 818, 821, n. 3 (E.D. Mich. 2004), indicates that Petitioner died on June 23, 2010. The death of an inmate during the pendency of his habeas petition renders the habeas action moot and deprives the federal court of jurisdiction over the case. *Griffey v. Lindsey*, 349 F.3d 1157, 1157 (9th Cir. 2003); *Figueroa v. Rivera*, 147 F.3d 77, 82 (1st Cir. 1998); *Knapp v. Baker*, 509 F.2d 922, 922 (5th Cir. 1975); *In Re Kravitz*, 504 F. Supp. 43, 52 (M.D. Pa. 1980). Based upon the foregoing, the Court concludes that Petitioner's habeas claims have been rendered moot by his death.

Accordingly,

**IT IS ORDERED** that the petition for writ of habeas of corpus is **DISMISSED AS MOOT**.

s/John Corbett O'Meara

United States District Judge

Date: August 12, 2011

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 12, 2011, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager